

1 CYNTHIA J. LARSEN (SBN 123994)  
2 clarsen@orrick.com  
3 JUSTIN GIOVANNETTONE (SBN 293794)  
4 jgiovannettone@orrick.com  
5 ORRICK, HERRINGTON & SUTCLIFFE LLP  
6 400 Capitol Mall, Suite 3000  
7 Sacramento, CA 95814-4497  
8 Telephone: +1 916 447 9200  
9 Facsimile: +1 916 329 4900

10 DANIEL J. O'HANLON (SBN 122380)  
11 dohanlon@kmtg.com  
12 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
13 1331 Garden Hwy, 2nd Floor  
14 Sacramento, CA 95833  
15 Telephone: (916) 321-4500  
16 Facsimile: (916) 321-4555

17 *Attorneys for Intervenor-Defendant*  
18 *Westlands Water District*

19 UNITED STATES DISTRICT COURT

20 FOR THE EASTERN DISTRICT OF CALIFORNIA

21 FRESNO DIVISION

22 HOOPA VALLEY TRIBE,

Case No. 1:20-cv-01814-JLT-EPG

23 Plaintiff,

24 **WESTLANDS WATER DISTRICT'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS**

v.

25 UNITED STATES BUREAU OF  
26 RECLAMATION, et al.,

Hearing Date: June 13, 2023  
Courtroom: 4 – 7th Floor, Fresno  
Judge: Hon. Jennifer L. Thurston

27 Defendants,

Trial Date: None  
Action Filed: August 13, 2020

28 And

WESTLANDS WATER DISTRICT,

Intervenor-Defendant.

1                   **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**  
2                   **PLEASE TAKE NOTICE** that pursuant to Federal Rule of Evidence (“FRE”) 201, Defendant  
3 Westlands Water District (“Westlands”) respectfully request that the Court take judicial notice of  
4 specific facts reflected in the following document:

5                   Bureau of Reclamation, Central Valley Operations, Summary of Water Supply  
6                   Allocations, *available at*  
7                   [https://www.usbr.gov/mp/cvo/vungvari/water\\_allocations\\_historical.pdf](https://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf) (last visited  
8 March 13, 2023), a true and correct copy of which is attached hereto as **Exhibit 1**.

9                   **DISCUSSION**

10                  **Exhibit 1** is a summary of historical water supply allocations to CVP contractors. The  
11 document is available on Reclamation’s website. The specific facts that Westlands requests the  
12 Court take judicial notice of is that water allocations to CVP contractors, including Westlands  
13 (which is a South of Delta Agricultural Contractor), have frequently been less than 100% both  
14 before and after the effective date of Westlands’ primarily Repayment Contract. See ECF No.  
15 125-2, at 12 (showing the effective date as June 1, 2022).

16                  **Exhibit 1** and the specific facts for which Westlands requests judicial notice are judicially  
17 noticeable pursuant to FRE 201, which allows the Court to take judicial notice of any fact “not  
18 subject to reasonable dispute in that it is either (1) generally known within the territorial  
19 jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to  
20 sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

21                  It is well established in the Ninth Circuit that a court may take judicial notice of both the  
22 authenticity and the accuracy of information on a government website when “neither party  
23 disputes the authenticity of the web sites or the accuracy of the information displayed therein.”  
24 *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998–99 (9th Cir. 2010); *See also San Luis &*  
25 *Delta-Mendota Water Auth. v. Salazar*, 686 F.Supp.2d 1026, 1031 (E.D. Cal. 2009) (taking  
26 judicial notice of public records published by administrative bodies); *United States v. S. Cal.*  
27 *Edison Co.*, 300 F.Supp.2d 964, 975 (E.D. Cal. 2004) (taking judicial notice “of the existence and

28

1 authenticity” of “public and quasi public documents”). Finally, a matter that is properly the  
2 subject of judicial notice may be considered along with the complaint when deciding a motion to  
3 dismiss for failure to state a claim. *Skilstaf, Inc. v. CVS Caremark Corp.*, 669 F3d 1005, 1016, fn.  
4 9 (9th Cir. 2012); *In re Colonial Mortg. Bankers Corp.*, 324 F3d 12, 16, 19 (1st Cir. 2003);  
5 *Henson v. CSC Credit Services*, 29 F3d 280, 284 (7th Cir. 1994).

6  
7 Respectfully submitted,

8 Dated: March 20, 2023

9 CYNTHIA J. LARSEN  
10 JUSTIN GIOVANNETTONE  
11 ORRICK, HERRINGTON & SUTCLIFFE LLP

12 DANIEL J. O'HANLON  
13 KRONICK, MOSKOVITZ, TIEDEMANN &  
14 GIRARD

15  
16  
17 By: /s/ Cynthia J. Larsen  
18 CYNTHIA J. LARSEN  
19 Attorneys for Westlands Water District  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

## SUMMARY OF WATER SUPPLY ALLOCATIONS

### SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply						
		23-Feb-2022	1-Apr-2022	14-Apr-2022	8-Jul-2022	20-Jul-2022		
	North of Delta							
	Agricultural Contractors (Ag)	0%						
	Urban Contractors (M&I)	PHS <sup>1</sup>						
	Wildlife Refuges (Level 2)	Shasta Critical <sup>2</sup>		18%				
	Settlement Contractors/Water Rights	Shasta Critical <sup>2</sup>		18%				
	American River M&I Contractors	25% <sup>3</sup>						
	Contra Costa	25% <sup>3</sup>	PHS <sup>1</sup>					
	South of Delta							
	Agricultural Contractors (Ag)	0%						
	Urban Contractors (M&I)	25% <sup>3</sup>						
	Wildlife Refuges (Level 2)	Shasta Critical <sup>2</sup>						
	Settlement Contractors/Water Rights	Shasta Critical <sup>2</sup>						
	Eastside Division Contractors	TBD						
	Friant - Class 1	15%			20%			
	Friant - Class 2	0%			30%			

1 public health and safety needs

2 as defined in their contract

3 of their historic use

Year	Contractors	Percent Supply						
		23-Feb-2021	23-Mar-2021	5-May-2021	26-May-2021	1-Nov-2021	21-Dec-2021	
	North of Delta							
	Agricultural Contractors (Ag)	5%						
	Urban Contractors (M&I)	55% <sup>1</sup>						
	Wildlife Refuges (Level 2)	75%						
	Settlement Contractors/Water Rights	75%						
	American River M&I Contractors	55% <sup>1</sup>						
	Contra Costa	55% <sup>1</sup>						
	South of Delta							
	Agricultural Contractors (Ag)	5%						
	Urban Contractors (M&I)	55% <sup>1</sup>						
	Wildlife Refuges (Level 2)	75%						
	Settlement Contractors/Water Rights	75%						
	Eastside Division Contractors	100%						
	Friant - Class 1	20%				25%		
	Friant - Class 2	0%				40%		

1 of their historic use or public health and safety needs, whichever is greater.

2 South of Delta allocation of 5% of their contract supply is not available for delivery until further notice.

3 North of Delta allocation of 5% of their contract supply is not available for delivery until further notice.

4 of historic use.

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year 2020	Contractors	Percent Supply						
		25-Feb-2020	6-Apr-2020	13-Apr-2020	21-Apr-2020	19-May-2020	8-Jun-2020	24-Jun-2020
North of Delta								
Agricultural Contractors (Ag)	50%							
Urban Contractors (M&I)	*75%							
Wildlife Refuges (Level 2)	100%		75%					
Settlement Contractors/Water Rights	100%		75%					
American River M&I Contractors	*75%							
Contra Costa	*75%							
South of Delta								
Agricultural Contractors (Ag)	15%					20%		
Urban Contractors (M&I)	*65%					*70%		
Wildlife Refuges (Level 2)	100%		75%					
Settlement Contractors/Water Rights	100%		75%					
Eastside Division Contractors	100%							
Friant - Class 1	20%	40%		55%	60%		65%	
Friant - Class 2	0%							

Year 2019	Contractors	Percent Supply							
		20-Feb-2019	15-Mar-2019	17-Apr-2019	22-May-2019	14-Jun-2019			
North of Delta									
Agricultural Contractors (Ag)	70%	100%							
Urban Contractors (M&I)	*95%	100%							
Wildlife Refuges (Level 2)	100%								
Settlement Contractors/Water Rights	100%								
American River M&I Contractors	*95%	100%							
Contra Costa	*95%	100%							
South of Delta									
Agricultural Contractors (Ag)	35%	55%	65%	70%	75%				
Urban Contractors (M&I)	**75%	*****80%	*****90%	*****95%	*****100%				
Wildlife Refuges (Level 2)	100%								
Settlement Contractors/Water Rights	100%								
Eastside Division Contractors	100%								
Friant - Class 1	***100%								
Friant - Class 2	****			*****	*****				

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply							
		20-Feb-2018	22-Mar-2018	10-Apr-2018	20-Apr-2018	11-May-2018	25-May-2018	15-Jun-2018	26-Sep-18
North of Delta	Agricultural Contractors (Ag)		20%		100%				
	Urban Contractors (M&I)		*		100%				
	Wildlife Refuges (Level 2)	100%			100%				
	Settlement Contractors/Water Rights	100%		*		100%			
	American River M&I Contractors			*		100%			
	Contra Costa			*		100%			
South of Delta	Agricultural Contractors (Ag)	20%			40%		45%	50%	
	Urban Contractors (M&I)	*			***				
	Wildlife Refuges (Level 2)	100%							
	Settlement Contractors/Water Rights	100%							
Eastside Division Contractors		100%							
Friant - Class 1	30%	60%	100% **		85%				88%
Friant - Class 2				130,000 AF **	****				
* M&I water service contractors are allocated the greater of 70% of their historic use or public health and safety needs. ** Uncontrolled Season Supply (UcS) = 100,000 AF as a block needs to be delivered by May 10, 2018 and Class 1 allocation will be reassessed at weekly intervals until further notice. *** M&I water service contractors are allocated the greater of 75% of their historic use or public health and safety needs. ****Friant Dam/Millerton Lake Uncontrolled season terminated on May 10, 2018 with controlled status starting May 11, 2018.									

Year	Contractors	Percent Supply							
		28-Feb-2017	22-Mar-2017	11-Apr-2017					
North of Delta	Agricultural Contractors (Ag)		100%						
	Urban Contractors (M&I)		100%						
	Wildlife Refuges (Level 2)	100%							
	Settlement Contractors/Water Rights	100%							
	American River M&I Contractors								
	Contra Costa		100%						
South of Delta	Agricultural Contractors (Ag)		65%	100%					
	Urban Contractors (M&I)		90%	100%					
	Wildlife Refuges (Level 2)	100%							
	Settlement Contractors/Water Rights	100%							
Eastside Division Contractors		100%							
Friant - Class 1	100%	*							
Friant - Class 2									
*As long a current hydrologic and operational conditions exist and there is a need to evacuate water from Millerton Lake in order to prevent or minimize spill or to meet flood control criteria (currently referred to as "uncontrolled season"), Friant contractors may schedule and take delivery of Class 2 supplies up to the contract maximum, consistent with contract terms and conditions.									

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply					
		Apr 1, 2016	11-Apr-2016	21-Apr-2016	6-May-2016	18-Jul-2016	
2016	North of Delta						
	Agricultural Contractors (Ag)	100%					
	Urban Contractors (M&I)	100%					
	Wildlife Refuges (Level 2)	100%					
	Settlement Contractors/Water Rights	100%					
	American River M&I Contractors	100%					
	Contra Costa	100%					
2016	South of Delta						
	Agricultural Contractors (Ag)	5%					
	Urban Contractors (M&I)	55%*					
	Wildlife Refuges (Level 2)	100%					
	Settlement Contractors/Water Rights	100%					
2016	Eastside Division Contractors	0%**					
2016	Friant - Class 1	30%	40%	50%	65%	75%	
	Friant - Class 2	***		****			

\* Of historical use.

\*\* Due to lack of available CVP supplies from New Melones Reservoir.

\*\*\*An Uncontrolled Season supply of 100,000 acre-feet and unreleased Restoration Flow supply related to the San Joaquin River Restoration Program  
85,000 acre-feet are being made available as blocks that need to be scheduled and delivered by May 1 and May 15 respectively to avert flood management concerns. \*\*\*\*to be scheduled and delivered by the end of April 2016.

Year	Contractors	Percent Supply					
		Feb 27, 2015					
2015	North of Delta						
	Agricultural Contractors (Ag)	0%					
	Urban Contractors (M&I)	25%*					
	Wildlife Refuges (Level 2)	75%**					
	Settlement Contractors/Water Rights	75%**					
	American River M&I Contractors	25%*					
	Contra Costa	25%*					
2015	South of Delta						
	Agricultural Contractors (Ag)	0%					
	Urban Contractors (M&I)	25%*					
	Wildlife Refuges (Level 2)	75%**					
	Settlement Contractors/Water Rights	75%**					
2015	Eastside Division Contractors	0%					
2015	Friant - Class 1	0%					
	Friant - Class 2	0%					

\* Health and Safety needs or at least 25% of their historical use, whichever is greater.

\*\* May be reduced if current dry conditions persist.

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply					
		Feb 21, 2014	Apr 18, 2014	May 13, 2014			
	North of Delta						
	Agricultural Contractors (Ag)	0%	0%	0%			
	Urban Contractors (M&I)	50%	50%	50%			
	Wildlife Refuges (Level 2)	40%	75%	75%			
	Settlement Contractors/Water Rights	40%	75%	75%			
	American River M&I Contractors	50%	50%	50%			
	Contra Costa	50%	50%	50%			
	South of Delta						
	Agricultural Contractors (Ag)	0%	0%	0%			
	Urban Contractors (M&I)	50%	50%	50%			
	Wildlife Refuges (Level 2)	40%	40%	65%			
	Settlement Contractors/Water Rights	40%	40%	65%			
	Eastside Division Contractors	55%	55%	55%			
		(85,250 AF)	(85,250 AF)	(85,250 AF)			
	Friant - Class 1	0%	0%	0%			
	Friant - Class 2	0%	0%	0%			

Year	Contractors	Percent Supply							
		Feb 25, 2013	Mar 22, 2013	Apr 5, 2013	Apr 17, 2013	May 14, 2013	Jun 5, 2013	Jun 13, 2013	Jul 15, 2013
	North of Delta								
	Agricultural Contractors (Ag)	75%	75%	75%	75%	75%	75%	75%	75%
	Urban Contractors (M&I)	100%	100%	100%	100%	100%	100%	100%	100%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%	100%	100%	100%	100%
	American River M&I Contractors	75%	75%	75%	75%	75%	75%	75%	75%
	Contra Costa	75%	75%	75%	75%	75%	75%	75%	75%
	South of Delta								
	Agricultural Contractors (Ag)	25%	20%	20%	20%	20%	20%	20%	20%
	Urban Contractors (M&I)	75%	70%	70%	70%	70%	70%	70%	70%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%	100%	100%	100%	100%
	Eastside Division Contractors	100%	100%	100%	100%	100%	100%	100%	100%
		(155,000 AF)	(155,000 AF)	(155,000 AF)	(155,000 AF)	(155,000 AF)	(155,000 AF)	(155,000 AF)	(155,000 AF)
	Friant - Class 1	65%	65%	55%	50%	45%	50%	55%	62%
	Friant - Class 2	0%	0%	0%	0%	0%	0%	0%	0%

Year	Contractors	Percent Supply					
		Feb 22, 2012	Apr 13, 2012	Apr 27, 2012			
	North of Delta						
	Agricultural Contractors (Ag)	30%	100%	100%			
	Urban Contractors (M&I)	75%	100%	100%			
	Wildlife Refuges (Level 2)	75%	100%	100%			
	Settlement Contractors/Water Rights	75%	100%	100%			
	South of Delta						
	Agricultural Contractors (Ag)	30%	40%	40%			
	Urban Contractors (M&I)	75%	75%	75%			
	Wildlife Refuges (Level 2)	75%	100%	100%			
	Settlement Contractors/Water Rights	75%	100%	100%			
	Eastside Division Contractors	100%	100%	100%			
		(155,000 AF)	(155,000 AF)	(155,000 AF)			
	Friant - Class 1	35%	45%	50%			
	Friant - Class 2	0%	0%	0%			

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply				
		Feb 18, 2011	Mar 22, 2011	Mar 28, 2011	Apr 8, 2011	Apr 25, 2011
2011	North of Delta					
	Agricultural Contractors (Ag)	100%	100%	100%	100%	100%
	Urban Contractors (M&I)	100%	100%	100%	100%	100%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%	100%
2011	South of Delta					
	Agricultural Contractors (Ag)	50%	55%	65%	75%	80%
	Urban Contractors (M&I)	75%	80%	90%	100%	100%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%	100%
2011	Eastside Division Contractors	100% (155,000 AF)				
2011	Friant - Class 1	100% (800,000 AF)				
2011	Friant - Class 2	20% (280,000 AF)				

Year	Contractors	Percent Supply			
		Feb 26, 2010	Mar 16, 2010	Apr 15, 2010	Jun 14, 2010
2010	North of Delta				
	Agricultural Contractors (Ag)	5%	50%	100%	100%
	Urban Contractors (M&I)	55%	75%	100%	100%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%
2010	South of Delta				
	Agricultural Contractors (Ag)	5%	25%	30%	45%
	Urban Contractors (M&I)	55%	75%	75%	75%
	Wildlife Refuges (Level 2)	100%	100%	100%	100%
	Settlement Contractors/Water Rights	100%	100%	100%	100%
2010	Eastside Division Contractors	100% (155,000 AF)		100% (155,000 AF)	
2010	Friant - Class 1	100%	100%	100%	
2010	Friant - Class 2	0%	10%	15%	

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2009	Agricultural Contractors	40 <sup>(1)</sup>	10 <sup>(5)</sup>
	Urban Contractors	75 & 100 <sup>(2)</sup>	60 <sup>(6)</sup>
	Wildlife Refuges	100 <sup>(4)</sup>	100 <sup>(4)</sup>
	Sacramento River water rights and San Joaquin River Exchange Contractors	100 <sup>(4)</sup>	100 <sup>(4)</sup>
	East Side Contractors	18,000 AF <sup>(7)</sup>	
	Friant - Class 1	77 <sup>(3)</sup>	
	Friant - Class 2	18 <sup>(8)</sup>	

<sup>(1)</sup>Increase of 5% from 0% to 5% for North of Delta Ag on 3/20/2009.  
 Increase of 10% from 5% to 15% for North of Delta Ag on 4/21/2009.  
 Increase of 25% from 15% to 40% for North of Delta Ag on 5/22/2009.

<sup>(2)</sup>Increase of 5% from 50% to 55% for North of Delta MI on 3/20/2009.  
 Increase of 10% from 55% to 65% for North of Delta MI on 4/21/2009.  
 Increase of 10% from 65% to 75% for North of Delta Sacramento River MI Contractors on 5/22/2009.  
 Increase of 35% from 65% to 100% for North of Delta American River Division MI Contractors on 5/22/2009.

<sup>(3)</sup>Increase of 40% from 25% to 65% for Friant Class 1 on 3/20/2009.  
 Increase of 20% from 65% to 85% for Friant Class 1 on 3/27/2009.  
 Increase of 5% from 85% to 90% for Friant Class 1 on 4/17/2009.  
 Increase of 10% from 90% to 100% for Friant Class 1 on 4/23/2009.  
 Decrease of 23% from 100% to 77% for Friant Class 1 on 6/12/2009.

<sup>(4)</sup>Increase of 25% from 75% to 100% for North & South of Delta Wildlife Refuges, Sacramento River water rights & San Joaquin River Exchange Contractors on 3/30/2009.

<sup>(5)</sup>Increase of 10% from 0% to 10% for South of Delta Ag on 4/21/2009.

<sup>(6)</sup>Increase of 10% from 50% to 60% for South of Delta MI on 4/21/2009.

<sup>(7)</sup>Increase of 18,000 AF from Zero to 18,000 AF for East Side Contractors on 4/21/2009.

<sup>(8)</sup>Increase of 18% from 0% to 18% for Friant Class 2 on 5/22/2009.

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2008	Agricultural Contractors	40***	40***
	Urban Contractors	75	75
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River Exchange Contractors	100	
	East Side Contractors	23% (35,000 AF)*	
	Friant - Class 1	100	
	Friant - Class 2	5**	

\*Increase of 8% (11,000 AF) from 15% (24,000 AF) to 23% (35,000 AF) on 3-20-2008.

\*\*Increase of 5% from 0% to 5% for Friant - Class 2 on 3-20-2008.

\*\*\* Decrease of 5% from 45% to 40% for AG on 6-3-2008.

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2007	Agricultural Contractors	100 *	50 **
	Urban Contractors	100 *	75
	Wildlife Refuges	100 *	100 **
	Sacramento River water rights and San Joaquin River Exchange Contractors	100***	
	East Side Contractors	29% (45,000 AF) ****	
	Friant - Class 1	65 *****	
	Friant - Class 2	0	

\*Increase of 65% from 35% to 100% for Ag on 3-16-2007.

Increase of 25% from 75% to 100% for MI & Wildlife Refuges on 3-16-2007.

\*\*Increase of 15% from 35% to 50% for Ag on 3-16-2007.

Increase of 25% from 75% to 100% for Wildlife Refuges on 3-16-2007.

\*\*\*Increase of 25% from 75% to 100% for Sac River Wtr Rights and Exchange contractors on 3-16-2007.

\*\*\*\*Increase of 13% (20,000 AF) from 16% (25,000 AF) to 29% (45,000 AF) on 3-16-2007.

\*\*\*\*\*Increase of 10% from 50% to 60% for Friant - Class 1 on 5-4-2007.

Increase of 5% from 60% to 65% for Friant-Class 1 on 8-1-2007.

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2006	Agricultural Contractors	100	100**
	Urban Contractors	100	100**
	Wildlife Refuges	100	100**
	Sacramento River water rights and San Joaquin River Exchange Contractors	100	
	East Side Contractors	100% (155,000 AF)	
	Friant - Class 1	100	
	Friant - Class 2	Uncontrolled Season*	

\* Uncontrolled Season from March 1 through Mid June 2006.

\*\* Increase of 20% from 65% to 85% for AG on 4-20-06.

Increase of 10% from 90% to 100% for MI on 4-20-06.

Increase of 15% from 85% to 100% for AG on 5-11-06.

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2005	Agricultural Contractors	100*	85**
	Urban Contractors	100*	100**
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River Exchange Contractors	100	
	East Side Contractors	43,000 AF ***	
	Friant - Class 1	100	
	Friant - Class 2	Uncontrolled Season	

\* Increase of 35% from 65% to 100% for AG and increase of 10% from 90% to 100% for MI on 4-15-05.

\*\* Increase of 5% from 65% to 70% for AG & 90% to 95% for MI on 4-15-05.

Increase of 5% from 70% to 75% for AG & 95% to 100% for MI on 4-28-05.

Increase of 10% from 75% to 85% for AG on 5-18-05.

Increase of 5% from 85% to 90% for AG on 7-25-05.

Decrease of 5% from 90% to 85% for AG on 1-12-06

\*\*\* Increase from 2,000 AF to 38,000 AF on 4-15-05.

Increase from 38,000 AF to 43,000 AF on 5-18-05.

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2004	Agricultural Contractors	100	70 *
	Urban Contractors	100	95 *
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	East Side Contractors	0	
	Friant - Class 1	100	
	Friant - Class 2	8	

March 2004 allocation - Based on 90% exceedence forecast

\* Increase in allocation of 5% to Ag & M&I on Sep 13th

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2003	Agricultural Contractors	100	75 *
	Urban Contractors	100	100 *
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	East Side Contractors	6	
	Friant - Class 1	100	
	Friant - Class 2	5	

\* 5% increase in allocation Jul 1 for both Ag & M&I

## SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2002	Agricultural Contractors	100	70 *
	Urban Contractors	100	95 *
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	East Side Contractors	8	
	Friant - Class 1	100	
	Friant - Class 2	8	

\* 5% increase in allocation on Sep 10, 2002

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2001	Agricultural Contractors	60	49 *
	Urban Contractors	85	77 *
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	East Side Contractors	22	
	Friant - Class 1	100	
	Friant - Class 2	5	

\* 2% increase in allocation on Oct 19, 2001

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
2000	Agricultural Contractors	100	65
	Urban Contractors	100	90
	Wildlife Refuges	100	
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Stanislaus	58 percent of supply	
	Friant - Class 1	100	
	Friant - Class 2	17	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1999	Agricultural Contractors	100	70
	Urban Contractors	95	95
	Wildlife Refuges	100	
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Stanislaus	39	
	Friant - Class 1	100	
	Friant - Class 2	20	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1998	Agricultural Contractors	100	100
	Urban Contractors	100	100
	Wildlife Refuges	100	
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Stanislaus	32	
	Friant - Class 1	100	
	Friant - Class 2	10	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1997	Agricultural Contractors		90
	Urban Contractors		90 - 100
	Wildlife Refuges		As scheduled
	Sacramento River water rights and San Joaquin River exchange contractors		100
	Stanislaus River		100 of request
	Friant - Class 1		100
	Friant - Class 2		60

### SUMMARY OF WATER SUPPLY ALLOCATIONS

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1996	Agricultural Contractors	100	95
	Urban Contractors	100	100
	Wildlife Refuges	100	*
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Friant - Class 1	100	
	Friant - Class 2	58	
* Meet 100 percent of scheduled need			

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1995	Agricultural Contractors	100	100
	Urban Contractors	95	100
	Wildlife Refuges	100	100
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Friant - Class 1	100	
	Friant - Class 2	100	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1994	Agricultural Contractors	35	
	Urban Contractors	75 of historical use	
	Wildlife Refuges	75	
	Sacramento River water rights and San Joaquin River exchange contractors	75	
	Friant - Class 1	80	
	Friant - Class 2	0	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1993	Agricultural Contractors	100	50
	Urban Contractors	100	75 of historical use
	Wildlife Refuges	100	75
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Friant - Class 1	100	
	Friant - Class 2	90	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1992	Agricultural Contractors	25	
	Urban Contractors	75 of historical use	
	Wildlife Refuges	75 of historical supply	
	Sacramento River water rights and San Joaquin River exchange contractors	75	
	Friant - Class 1	83	
	Friant - Class 2	0	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1991	Agricultural Contractors	25	
	Urban Contractors	25-50	
	Sacramento River water rights and San Joaquin River exchange contractors	75	
	Plus Hardship Water		
	Friant - Class 1	100	
	Friant - Class 2	0	

**No deficiencies on water deliveries 1978-1989**

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1990	Agricultural Contractors	50	
	Urban Contractors	50-75	
	Sacramento River water rights and San Joaquin River exchange contractors	100	
	Friant - Class 1	68	
	Friant - Class 2	0	

Year	Contractors	Percent Supply	
		North of Delta	South of Delta
1977	Agricultural Contractors	25	
	Urban Contractors	25-50	
	Sacramento River water rights and San Joaquin River exchange contractors	75	
	Friant - Class 1	25	
	Friant - Class 2	0	

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2023, I electronically filed WESTLANDS WATER DISTRICT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS with the Clerk of Court using the ECF system, which will automatically send email notification to the attorneys of record.

/s/ Cynthia J. Larsen

CYNTHIA J. LARSEN